

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES of AMERICA ) CRIMINAL FILE  
 ) NO. 17-MJ-499 (HB)  
 )  
vs. ) Courtroom 9 East  
 ) Monday, June 12, 2017  
TODD SEAVER KNUTSON ) Minneapolis, Minnesota  
 ) 3:03 p.m.  
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AUDIO DISC TRANSCRIPTION OF:

**PRELIMINARY / DETENTION HEARING**

BEFORE THE HONORABLE DAVID T. SCHULTZ  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

For the Government: **OFFICE OF THE U.S. ATTORNEY**  
By: ANDREW S. DUNNE  
Assistant U.S. Attorney  
600 United States Courthouse  
300 South Fourth Street  
Minneapolis, Minnesota 55415

For the Defendant: **JOHN C. BRINK, LAWYER**  
By: JOHN C. BRINK, ESQUIRE  
310 Fourth Avenue South - Suite 1008  
Minneapolis, Minnesota 55415

**AUDIO DISC TRANSCRIBED BY:**

**TIMOTHY J. WILLETT, RDR, CRR, CRC**  
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300 South Fourth Street  
Minneapolis, Minnesota 55415  
612.664.5108

1 (3:03 p.m.)

2 **P R O C E E D I N G S**

3 **IN OPEN COURT**

4 (Defendant present)

5 THE COURT: All right. We are here in the matter  
6 of the United States of America versus Todd Seaver Knutson  
7 on a preliminary detention hearing.

8 Will counsel for the Government note your  
9 appearance, please.

10 MR. DUNNE: Andrew Dunne, D-U-N-N-E, for the  
11 Government. Good afternoon, Your Honor.

12 THE COURT: Good afternoon, Mr. Dunne.

13 And for the defendant?

14 MR. BRINK: John C. Brink.

15 THE COURT: Good afternoon, Mr. Brink.

16 The record should reflect that the defendant is of  
17 course present in the courtroom as well, correct?

18 MR. BRINK: He is.

19 THE COURT: All right. Mr. Dunne, do you wish to  
20 proceed?

21 MR. DUNNE: Yes, Your Honor. The Government calls  
22 Matt Parker.

23 MR. BRINK: Your Honor, before -- there's a  
24 preliminary matter I'd like to raise with you, if you don't  
25 mind.

1                   I was appointed on Friday, and the hearing, of  
2 course, is Monday afternoon, so we haven't had much time. I  
3 had some family commitments on Friday.

4                   Sunday I tried to drive up to the Sherburne County  
5 Jail to see the defendant and I got caught in that storm and  
6 I had to turn around and come back.

7                   I got back home and I called the Sherburne County  
8 Jail at 20 after 9:00 on Sunday morning and they wouldn't  
9 let me talk to a human being. They said leave a message for  
10 the duty sergeant, because what I wanted was a phone call so  
11 I could get ready for today's hearing, and they said leave a  
12 message on the duty sergeant's voicemail, which I did.

13                  I didn't hear back from him, so at 10:20 I called  
14 back again and they wouldn't let me talk to a human being  
15 and they said leave a message on the duty sergeant's  
16 voicemail, which I did. I explained who I was, what I  
17 wanted. I just wanted the client to be able to call me so  
18 we could have a conversation about today's hearing.

19                  At 11:20, I called and I just happened to catch a  
20 guy who knew me, and I said, "Put me through to booking. I  
21 just got to get a message to my client to call me," and he  
22 said, "Okay," which he did, and nothing happened.

23                  12:20, I called back and I caught the same guy and  
24 I said, "I still haven't heard from the client." And he  
25 said, "Well, I gave him the" -- "I told him to pass the

1 message back." He said, "I'll tell him again." I said,  
2 "Well, thank you. I appreciate that," and I'm sure he did.

3 At any rate, I talked to the client this morning  
4 and nobody ever told him that I called, nobody ever gave him  
5 a phone call, and then I find out this morning, or I find  
6 out just now that he got in a beef with the jail staff out  
7 there on the 8th when he got there. And so they put him in  
8 seg and there's a disciplinary report which I just received  
9 five minutes ago.

10 It's not going to do any good for me to call the  
11 marshals. It's not going to do any good for me to beef with  
12 the Sherburne County Jail. You're the only person who can  
13 help this out. Now, if they think he misbehaved, they can  
14 handle that however properly they do so, but they've got no  
15 right to interfere with my representation of my client. And  
16 so they can't keep me away from him or him away from me.  
17 They can do whatever else they like.

18 But I would like you to please communicate with  
19 those folks that I'm not part of the problem. I wasn't out  
20 there and I didn't get in a beef with them. And I'm  
21 requesting that you talk to them, make sure that I have  
22 access to him, please.

23 THE COURT: Let me ask you this, Mr. Brink: Are  
24 you -- I'm not hearing you claim that you're not prepared to  
25 go forward today, are you?

1 MR. BRINK: Well, I was going to address that.

2 We can certainly go ahead with probable cause for  
3 the preliminary hearing portion. As to the detention  
4 portion, I can live with that if you and Mr. Dunne will  
5 permit me to come back if I come up with a plan for release.

6 What I'm trying to do is get him into a drug  
7 treatment program, and if I can come up with a plan to  
8 present to you and Mr. Dunne regarding pretrial release, if  
9 I could have some leeway to come back with that, I could  
10 live with that.

11 THE COURT: I suspect that Mr. Dunne is not going  
12 to be amenable to that approach.

13 MR. BRINK: I know him too.

14 THE COURT: Well, that's not based -- I don't know  
15 Mr. Dunne. Let me ask you this, Mr. Brink: Did you have an  
16 opportunity to consult with your client today?

17 MR. BRINK: I did.

18 THE COURT: And when and how did that consultation  
19 take place?

20 MR. BRINK: In the Marshals Service this morning  
21 and again before court.

22 THE COURT: Okay. And how much time were you  
23 given with him, total?

24 MR. BRINK: Oh. Forty-five minutes?

25 (Inaudible speaker)

1                   THE COURT: Thirty, 45 minutes, somewhere --

2                   MR. BRINK: I would say.

3                   THE COURT: Okay. All right. Why don't -- let me  
4                   hear from Mr. Dunne if he wants to address these issues and  
5                   we'll see where we end up.

6                   MR. BRINK: Thank you.

7                   MR. DUNNE: Well, you're right. I'm not -- we're  
8                   moving for detention. We're not going to, regardless of the  
9                   plan, back off our motion for detention, and it's got  
10                   nothing to do with his drug treatment.

11                   I absolutely agree that to the extent that there  
12                   are any barriers between Mr. Brink and his client in terms  
13                   of representation, I'm all in favor of giving him access to  
14                   his client.

15                   I will point out that this beef -- I mean, it was  
16                   a major security incident at the jail. And I suspect  
17                   that -- without knowing the details, I suspect that may be  
18                   one of the reasons why there was difficulties allowing  
19                   communication so recently after this incident. It sounds  
20                   like they met a little bit today. If they need more time to  
21                   prepare, I am at the Court's beck and call. I'll come back  
22                   whenever the Court wants to go forward and I would like  
23                   Mr. Brink to be fully prepared for both probable cause and  
24                   detention.

25                   THE COURT: Thank you, Mr. Dunne.

1                   Mr. Brink, I think Mr. Dunne is correct in the  
2 sense that if the issue is that you need more time to  
3 prepare for today's hearing, I'm hearing the Government  
4 state its willingness to, you know, continue this hearing  
5 until such time as you feel you're fully prepared and  
6 certainly the Court is willing to do that.

7                   MR. BRINK: That's very kind.

8                   THE COURT: So, would you like more time to be  
9 prepared for today, or do you feel that you can go forward?

10                  MR. BRINK: I would like the time. The statute  
11 gives me five days from -- first appearance was on the 8th,  
12 which would be the --

13                  THE COURT: 13th.

14                  MR. BRINK: Excluding -- yeah.

15                  THE COURT: But do we exclude the two weekend  
16 days?

17                  MR. BRINK: Yes.

18                  THE COURT: Then it's the 15th, Thursday.

19                  MR. BRINK: But you can extend that for good  
20 cause.

21                  THE COURT: Do you need me to extend it beyond  
22 Thursday, Mr. Brink?

23                  MR. BRINK: I would. I promise you I will work  
24 diligently.

25                  THE COURT: What would the good cause be if I were

1 to extend it beyond the 15th?

2 MR. BRINK: I'm sorry?

3 THE COURT: What would the good cause be if I were  
4 to extend it beyond the 15th?

5 MR. BRINK: I was just denied access to my client.

6 THE COURT: Even assuming that that's the case,  
7 I'm hearing you tell me that that was -- that occurred over  
8 the weekend and that you've had some amount of time with him  
9 today, and of course there's Tuesday and Wednesday between  
10 now and Thursday, so I'm not hearing a reason to extend it  
11 beyond Thursday.

12 MR. BRINK: I can live with Thursday.

13 THE COURT: Okay. Let me speak with Mr. Dunne  
14 again.

15 MR. DUNNE: Whatever fits into your schedule.

16 THE COURT: Yeah. I've been told that my schedule  
17 is what controls. I was unaware of that.

18 Mr. Dunne, my concern is only this: I want to  
19 make sure that the Government is consenting to postponement  
20 of this hearing until sometime on Thursday. I don't want to  
21 have an issue with a claim that Mr. Brink has not had  
22 adequate time with his client to prepare for the hearing.

23 MR. DUNNE: Understood.

24 THE COURT: Are you in agreement with that?

25 MR. DUNNE: Oh, yes, Your Honor. I have no

1 objection to continuing the matter until Thursday. I  
2 obviously don't run the jail, but within the constraints of  
3 the honest recognition of this security breach on Friday, I  
4 would ask the marshals -- and I'll call out to Sherburne and  
5 make sure that Mr. Brink has access within the security  
6 measures that the jail has to take because of what  
7 Mr. Knutson did.

8 THE COURT: Understood. I am assuming that  
9 Mr. Brink will be given -- however they administratively do  
10 it, I'm sure that he'll be given access to his client at the  
11 Sherburne County Jail between now and Thursday.

12 Ms. Midtbo, what do we have on Thursday that's  
13 available?

14 MR. BRINK: As long as we're on the subject, Your  
15 Honor, I've had other clients in segregation up there, and  
16 basically the lawyers can get in. It takes a little longer  
17 because they have to get him out of the seg unit, but that's  
18 no great strain. But basically, the access is from 8 to 5  
19 in the afternoon or something like that. Previously, my  
20 access to segregated prisoners has been the same as my  
21 access to other prisoners.

22 THE COURT: Okay. Well, I am going to assume that  
23 you will have adequate opportunity to meet with your client  
24 and prepare for the hearing and that we'll go forward on  
25 Thursday of this week.

1                   Ms. Midtbo, what do we have?

2                   (Discussion off the record between Ms. Midtbo and  
3                   the Court)

4                   IN OPEN COURT

5                   THE COURT: Okay. We will continue this hearing  
6                   then to Thursday at 9:30 in this courtroom, at which time we  
7                   will address both the preliminary hearing and the detention  
8                   hearing.

9                   MR. BRINK: Thank you. I appreciate it, Your  
10                   Honor.

11                   THE COURT: Okay.

12                   MR. DUNNE: Thank you.

13                   THE COURT: Thank you both. Court is in recess.

14                   (Proceedings concluded at 3:15 p.m.)

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C E R T I F I C A T E

I, **TIMOTHY J. WILLETT**, Official Court Reporter  
for the United States District Court, do hereby  
certify that the foregoing pages are a true and  
accurate transcription from an audio digital  
recording of proceedings taken in the  
aforementioned matter, to the best of my skill  
and ability.

*/s/ Timothy J. Willette*

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